

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JUDITH A. SPRAGALE,

*

Plaintiff,

*

v.

*

Civil Action No. GJH-22-0010

XAVIER BECERRA, *Secretary HHS NIH*,

*

Defendant.

*

ORDER

On March 11, 2022, the Court issued an Order dismissing the complaint without prejudice due to Plaintiff's failure to pay the filing fee. ECF No. 5. It was later discovered that the filing fee had been paid, but not properly docketed in this case. The filing fee has now been docketed, and the case reopened.

Plaintiff has provided summons to the Clerk. The Clerk will be directed to issue the summons. Plaintiff may then effectuate service by serving a copy of the summons and complaint on defendant.

Pursuant to Fed. R. Civ. P. 4(c)(2), service of a summons and complaint may be effected by any person who is not a party and who is at least 18 years of age. Plaintiff is reminded that under Fed. R. Civ. P. 4(l), the person effecting service of the summons and complaint must promptly notify the Court,¹ through an affidavit, that he or she has served defendants.

Plaintiff has named as the Defendant, Xavier Becerra, the Secretary of the Department of Health and Human Services. Under Fed. R. Civ. P. 4(i), plaintiff must effect service on an

¹ If plaintiff uses certified mail, restricted delivery, return receipt requested, to make service, plaintiff must file with the Clerk the United States Post Office acknowledgment as proof of service.

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employee of the United States sued in an official capacity by serving the summons and complaint by registered or certified mail on the employee, the United States Attorney General, and the United States Attorney for the District of Maryland.

If there is no record that service was effectuated on defendant, plaintiff risks dismissal of this case. Pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a., if a party demanding affirmative relief has not effectuated service of process within 90 days of filing the complaint, the court may enter an order asking the party to show cause why the claims should not be dismissed. If the party fails to show cause within the time as set by the court, the complaint shall be dismissed without prejudice.

Accordingly, it is this 17th day of June, 2022, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Clerk shall TAKE ALL NECESSARY STEPS to issue summons and to return all completed summons to plaintiff for service on defendant; and
2. The Clerk SHALL SEND a copy of this Order to plaintiff.



GEORGE J. HAZEL
United States District Judge